REMARKS

The outstanding issues in the instant application are as follows:

- Claims 31 – 38, 45, 46, 48, 49, 52, 81 – 85, 87, 89 – 91, and 110 – 125 are objected to for informalities;
- Claims 5 – 8, 93, 97 – 99, and 123 are rejected under 35 U.S.C. §112, second paragraph;
- Claims 1 – 9, 11, 12, 15, 17, 18, 21 – 23, 26 – 28, 30 – 38, 45, 46, 48, 49, 52 – 56, 60, 65 – 68, 70 – 73, 77 – 85, 87, and 89 – 132 are rejected under 35 U.S.C. §102(e).

Applicant hereby traverses the outstanding objections and rejections, and requests reconsideration and withdrawal in light of the amendments and remarks contained herein. Claims 1 – 9, 11, 12, 15, 17, 18, 21 – 23, 26 – 28, 30 – 38, 45, 46, 48, 49, 52 – 56, 60, 65 – 68, 70 – 73, 77 – 85, 87, and 89 – 132 are pending in this application.

I. CLAIM OBJECTIONS

A. Claims 31 – 38, 45, 46, 48, 49, and 52

The Examiner has objected to claims 31 – 38, 45, 46, 48, 49, and 52 based on the phrase "said 10" found in claim 31. Applicant has amended claim 31 to delete the number "10" from within the claim limitations. As noted by the Examiner, the "10" was a typographical error. Applicant notes that the amendment to claim 31 was intended solely to correct a typographical error and not to affect the scope or applicability of claim 31. No new matter was added.

The Examiner has further objected to claim 32 based on a period being misplaced within the claim. Applicant has amended claim 32 to deleted the misplaced period from within the claim limitations. Applicant notes that the amendment to claim 32 was also intended solely to correct a typographical error and not to affect the scope or applicability of claim 32. No new matter was added. As Applicant has addressed and corrected the informalities to both claims 31 and 32, Applicant respectfully requests the Examiner to remove the objections to claims 31 – 38, 45, 46, 48, 49, and 52.

B. Claims 81 – 85, 87, and 89 – 91

The Examiner has objected to claims 81 – 85, 87, and 89 – 91 based on the phrase "said 10" found in claim 81. Applicant has amended claim 81 to delete the number "10" from within the claim limitations. As noted by the Examiner, the "10" was a typographical error. Applicant notes that the amendment to claim 81 was intended solely to correct a typographical error and not to affect the scope or applicability of claim 81. No new matter was added. As Applicant has addressed and corrected the informalities to claim 81, Applicant respectfully requests the Examiner to remove the objections to claims 81 – 85, 87, and 89 – 91.

C. Claims 110 – 125

The Examiner has objected to claims 110 – 125 based on the phrase "said 10" found in claim 110. Applicant has amended claim 110 to delete the number "10" from within the claim limitations. As noted by the Examiner, the "10" was a typographical error. Applicant notes that the amendment to claim 110 was intended solely to correct a typographical error and not to affect the scope or applicability of claim 110. No new matter was added. As Applicant has addressed and corrected the informalities to claim 110, Applicant respectfully requests the Examiner to remove the objections to claims 110 – 125.

II. CLAIM REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

A. Claims 5 – 8

The Examiner has rejected claim 5 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner contends that the limitation "said retrieved information" lacks sufficient antecedent basis. In response to the Examiner's rejection, Applicant has corrected claim 5 to accurately reflect claim 5's dependence from claim 4, instead of claim 1, as mistakenly noted. No new matter was added. With claim 5 correctly claiming dependence from claim 4, "said retrieved information" has adequate antecedent basis in claim 4's limitation, "said information retrieved by said application server."

The Examiner further rejected claim 6 under 35 U.S.C. § 112, second paragraph, asserting that the limitation, "said size," lacks appropriate antecedent basis. Applicant has amended claim 6 to correct the limitations to reflect "a size" instead of "said size." No new matter was added. As Applicant has addressed and corrected the errors in claims 5 and 6, he requests the Examiner to withdraw the section 112, second paragraph rejection of record.

B. Claim 46

The Examiner has rejected claim 46 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner contends that the limitation "said transmitted segment" lacks sufficient antecedent basis. In response to the Examiner's rejection, Applicant has amended claim 37, from which claim 46 depends, to state "transmitting said selectively-sized segment to said communication unit." Support for this amendment can be found, at least, in original claim 31. Claim 46 was also amended to state "said transmitted selectively-sized segment." Support for this amendment can also be found, at least, in original claim 31. No new matter was added. In consideration of the amendments, claim 46 has adequate antecedent basis in claims 31 and 37. As Applicant has addressed and corrected the errors in claim 46, he requests the Examiner to withdraw the section 112, second paragraph rejection of record.

C. Claims 93, 97 – 99

The Examiner has rejected claim 93 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner contends that the limitation "said established connections" lacks sufficient antecedent basis. In response to the Examiner's rejection, Applicant has amended claim 93 to state "said established at least one connection." No new matter was added. The stated amendment reflects the antecedent basis in claim 92, which notes "a communication device for establishing at least one connection." As Applicant has addressed and corrected the errors in claim 93, he requests the Examiner to withdraw the section 112, second paragraph rejection of record with regard to claims 93, 97 – 99.

D. Claim 123

The Examiner has rejected claim 123 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner contends that the limitation "said transmitting step" lacks sufficient antecedent basis. In response to the Examiner's rejection, Applicant has corrected claim 123 to accurately reflect claim 123's dependence from claim 111, instead of claim 110, as mistakenly noted. No new matter was added. With claim 123 correctly claiming dependence from claim 111, "said transmitting step" has adequate antecedent basis in claim 111's limitation, "transmitting said software code." As Applicant has addressed and corrected the errors in claim 123, he requests the Examiner to withdraw the section 112, second paragraph rejection of record.

III. REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 1 – 9, 11, 12, 15, 17, 18, 21 – 23, 26 – 28, 30 – 38, 45, 46, 48, 49, 52 – 56, 60, 65 – 68, 70 – 73, 77 – 85, 87, and 89 – 132 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,721,705 to Kurganov et al., (hereinafter *Kurganov*).

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he elements must be arranged as required by the claim," see M.P.E.P. § 2131, *citing In re Bond*, 15 US.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim," see M.P.E.P. § 2131, *citing Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy these requirements.

A. Claims 1 – 9, 11, 12, 15, 17, 18, 21 – 23, 26 – 28, and 30

Claim 1 requires, "said application server communicates said application logic to said communication device." In his rejection, the Examiner states that the IVR of *Kurganov* "is capable of playing audio messages in response to a request of the unit 112." Office Action, p. 4. While Applicant does not dispute that *Kurganov*'s IVR is capable of playing audio

messages, *Kurganov* does not teach, or even suggest, that application logic is communicated to the communication device. Instead, *Kurganov* teaches that the IVR application 304 is administered on the media server 106. No where in *Kurganov* is it taught or suggested that the IVR application 304 is communicated to the unit 112.

Claim 1 also requires, "a processor connected to said communication device to execute said communicated application logic and locally administer said at least one voice response application." The Examiner states that "the mobile phone unit 112-fig.1 inherently includes a processor for executing the request and receiving the response from the IVR application 304-fig.3." Office Action p. 4. While *Kurganov* does not specifically teach that the mobile phone unit 112 has a processor, Applicant acknowledges that typical mobile phones include a signal processor or digital signal processor. However, Applicant asserts that a signal processor does not teach or suggest a processor to execute the IVR application logic to administer the IVR application locally on the mobile phone unit 112. The Examiner's own statements reflect that *Kurganov* does not teach or even suggest this limitation. The Examiner admits that the "inherent" processor receiv[es] the response from the IVR application. This statement acknowledges that the IVR application is not being administered on the mobile phone unit 112. Therefore, *Kurganov* does not teach or even suggest each and every limitation required in claim 1.

Claims 2 – 9, 11, 12, 15, 17, 18, 21 – 23, 26 – 28, and 30 each depend either directly or indirectly from base claim 1, and, thus, inherit each of the limitations of claim 1. As such, claims 1 – 9, 11, 12, 15, 17, 18, 21 – 23, 26 – 28, and 30 are each patentable over the teachings and suggestions of *Kurganov*. Moreover, the dependent claims recite additional novel and non-obvious limitations not present or suggested in *Kurganov*.

For example, claims 6 – 8 provide, "said application server divides said at least one voice response application into one or more selectively-sized, executable sub-modules," "said communication device obtains one of said one or more sub-modules for execution," and "said communication device obtains a next one of said one or more sub-modules after completing execution of said one sub-module," respectively. The Examiner contends that *Kurganov*, teaches that the media server 510-fig. 5 is "capable" of dividing the voice response application in one or more executable sub modules, wherein the sub modules is responsive to

memory limitations of the mobile phone. Office Action, p. 8. However, the cited selection from *Kurganov* provides absolutely no description or even a suggestion that the IVR application that resides and is executed on the media server is ever divided into sub-modules. Col. 18, lns 45 – 67. There is no basis for the Examiner's rejection of claims 6 – 8.

Furthermore, claim 11 requires, the processor to process "said user input locally according to said at least one voice response application." The Examiner points to the mobile phone 112-fig. 1 and states that it is capable of processing the user input internally, such as prompting a question for a short "yes" or "no" answer according to the voice response application. However, nothing in *Kurganov* supports the Examiner's contention. Furthermore, the Examiner does not cite to any teaching other than the illustration of the mobile phone 112, to support his rejection. Applicant, thus, asserts that *Kurganov* does not teach, or even suggest each of the limitations of claim 11.

Furthermore, claim 15 requires, "said voice recognition logic is disposed permanently on said communication device." The Examiner asserts that such speech recognition function is inherently disposed permanently within the mobile phone 112. However, nothing in *Kurganov* supports the Examiner's statement. In fact, *Kurganov* explicitly states that the speech recognition application is located on the media server 106. Nothing further in *Kurganov* supports speech recognition being disposed permanently on the communication device. Moreover, speech recognition is a function that is not inherent to a mobile phone. In face, speech recognition is not inherent to IVRs in general.

For the reasons stated above, Applicant asserts that *Kurganov* fails to teach or even suggest all of the claimed limitations. Applicant, therefore, respectfully requests the Examiner to withdraw the 35 U.S.C. § 102(e) rejection against claims 1 – 9, 11, 12, 15, 17, 18, 21 – 23, 26 – 28, and 30.

B. Claims 31 – 38, 45, 46, 48, 49, and 52

Claim 31 requires, "transmitting software code defining said interactive voice response application to said communication unit." The Examiner rejected claim 31 based on his rejection of claim 53. The Examiner asserts that *Kurganov* teaches that "an up to date extended forecast subcategory from web sites can be download to the media server 510-fig. 5

in XML format." Office Action p. 7. The Examiner further states that "the mobile phone unit 504-fig.5 inherently includes memory for storing a copy of weather information downloaded in XML format, wherein the weather information is downloaded from the media server 510 using the Internet 502-fig. 5." *Id.* However, neither of these provisions from *Kurganov* teach or suggest transmitting software code defining the interactive voice response application. *Kurganov* teaches a voice browser that, in the Example quoted by the Examiner, the user requests weather information that is downloaded from a Web site to the media server and then transmitted from the media server to the mobile phone. This responsive weather information is not the same as software code that defines an interactive voice response application being transmitted to the communication unit. *Kurganov* clearly discloses that the IVR application 304 is stored and administered or executed on the media server 106, and not the mobile phone unit 112. As noted above, *Kurganov* simply does not teach the limitations required in claim 31.

Claim 31 further requires, "executing said software code on said communication unit to run said interactive response application." The Examiner asserts that the *Kurganov* mobile phone inherently includes a processor for running the downloaded weather information, and is capable of interacting with the IVR application 304-fig.3 independently. Office Action, p. 8. This statement in and of itself acknowledges that *Kurganov* does not teach or even suggest the limitations of claim 31. The mobile phone of *Kurganov* interacting independently with the IVR application explicitly teaches away from executing the software code defining the interactive voice response application on the communication unit. In *Kurganov*, the IVR application 304 is run/administered on the media sever 106. *Kurganov*, Figs. 1 & 3. In contrast, the limitations of claim 31 require the IVR application code to be transmitted to the communication unit to be processed and executed by the processor on the communication unit. Therefore, *Kurganov* does not teach each and every limitation of the claimed invention.

Claims 32 – 38, 45, 46, 48, 49, and 52 each depend either directly or indirectly from base claim 31, and, thus, inherit each of the limitations of claim 31. As such, claims 31 – 38, 45, 46, 48, 49, and 52 are each patentable over the teachings and suggestions of *Kurganov*. Moreover, the dependent claims recite additional novel and non-obvious limitations not present or suggested in *Kurganov*.

For example, claims 37 and 46 require, "dividing said software code into selectively-sized segments responsive to a memory capacity of said communication unit," and, "downloading a next selectively-sized segment after execution of said transmitted selectively-sized segment," respectively. The Examiner contends that *Kurganov*, teaches that the media server 510-fig. 5 is "capable" of dividing the voice response application in one or more executable sub modules, wherein the sub modules is responsive to memory limitations of the mobile phone. Office Action, p. 8. However, the cited selection from *Kurganov* provides absolutely no description or even a suggestion that the IVR application that resides and is executed on the media server is ever divided into submodules. Col. 18, lns 45 – 67. There is no basis for the Examiner's rejection of claims 37 and 46.

Furthermore, claims 49 and 52 further require, "establishing communication between said user and an operator," and, "wherein said communication is established using a combination of a voice network and a data network." The Examiner has rejected claim 52 asserting that the communication established in *Kurganov*, is done using a combination of the PSTN and a data network. Office Action, p. 9. However, *Kurganov* does not disclose or even suggest that the user at the mobile phone is connected to an operator, as required in claim 49, from which claim 52 depends, wherein that communication is established using the combination. Therefore, *Kurganov* does not teach each and every limitation of the claimed invention.

For the reasons stated above, Applicant asserts that *Kurganov* fails to teach or even suggest all of the claimed limitations. Applicant, therefore, respectfully requests the Examiner to withdraw the 35 U.S.C. § 102(e) rejection against claims 31 – 38, 45, 46, 48, 49, and 52.

C. Claims 53 – 56, 60, 65 – 68, and 70

Claim 53 requires, "memory disposed on said communication device for storing a copy of said extensible application code." The Examiner contends that *Kurganov* teaches that "the mobile phone unit 504-fig.5 inherently includes memory for storing a copy of weather information downloaded in XML format, wherein the weather information is downloaded from the media server 510 using the Internet 502-fig. 5." *Id.* However, as

discussed previously, this selection from *Kurganov* does not teach or suggest a memory that stores a copy of the extensible application code that defines the interactive voice response application.

Claim 53 further requires, "a processor disposed on said communication device for running said copy of said extensible application code and administering said interactive voice application substantially independent from said central server." The Examiner asserts that the *Kurganov* mobile phone inherently includes a processor for running the downloaded weather information, and is capable of interacting with the IVR application 304-fig.3 independently. Office Action, p. 8. As argued above, this statement in and of itself acknowledges that *Kurganov* does not teach or even suggest the limitations of claim 53. In *Kurganov*, the IVR application 304 is run/administered on the media sever 106, while the limitations of claim 53 require the IVR application to be executed and administered on the communication device. Thus, *Kurganov* does not teach or even suggest each and every limitation of claim 53.

Claims 54 – 56, 60, 65 – 68, and 70 each depend either directly or indirectly from base claim 53, and, thus, inherit each of the limitations of claim 53. As such, claims 53 – 56, 60, 65 – 68, and 70 are each patentable over the teachings and suggestions of *Kurganov*. Moreover, the dependent claims recite additional novel and non-obvious limitations not present or suggested in *Kurganov*.

For example, claims 65 and 66 each provide for "dividing the extensible application code into selectively-sized sub-modules" and downloading "a next sub-module after completing execution of a current sub-module," respectively. As noted above, there is no definable basis in *Kurganov* for the Examiner's rejection based on the *Kurganov* media server 510-fig. 5 being "capable" of dividing the voice response application in one or more executable sub modules. Thus, *Kurganov* does not teach or even suggest all of the limitations of either claims 65 or 66.

Furthermore, claims 68 and 70 require, "connecting a user to an agent," and doing so using "a combination of said data network and a voice network," respectively. As noted above, *Kurganov* does not disclose or even suggest that the user at the mobile phone is

connected to an agent, as required in claims 68 and 70, using the network combination. The selections cited by the Examiner simply do not support his rejections. Therefore, *Kurganov* does not teach each and every limitation of the claimed invention.

For the reasons stated above, Applicant asserts that *Kurganov* fails to teach or even suggest all of the claimed limitations. Applicant, therefore, respectfully requests the Examiner to withdraw the 35 U.S.C. § 102(e) rejection against claims 53 – 56, 60, 65 – 68, and 70.

D. Claims 71 – 73

Claim 71, as amended, requires, "at least one function for operation of said interactive multimedia response application on said communication device …". Support for this amendment can be found throughout the specification, especially at page 6, lines 5 – 14; page 7, lines 10 – 13; page 11, lines 1 – 5, and 17 – 28; and the like. No new matter was added. In rejecting claim 71, the Examiner states that, "the mobile phone unit 504-fig. 5 inherently includes memory for storing instructions to operate with an IVR application 304-fig.3 of the media server 510 with regard to a desired application." Office Action p. 10. However, the cited selection of *Kurganov* does not teach, or even suggest, that the interactive multimedia response application is operated on the communication device, as required by claim 71.

Kurganov discloses that the mobile phone unit 504 simply receives voice commands from a user that are then passed to the media server 510 to be converted into data messages "using a speech recognition engine running on the media server 510." Col. 18, lns 17 – 27. *Kurganov* does not teach, or even suggest, that any function other than mere transmission of voice input takes place on mobile phone unit 504. Thus, *Kurganov* does not teach each and every limitation of claim 71.

Claims 72 and73 each depend either directly or indirectly from base claim 71, and, thus, inherit each of the limitations of claim 71. As such, claims 71 – 73 are each patentable over the teachings and suggestions of *Kurganov*. For the reasons stated above, Applicant asserts that *Kurganov* fails to teach or even suggest all of the claimed limitations. Applicant, therefore, respectfully requests the Examiner to withdraw the 35 U.S.C. § 102(e) rejection against claims 71 – 73.

E. Claims 77 – 80

Claim 77 requires, "downloading application logic defining said interactive response application to said communication unit." The Examiner again rejected claim 77 by referring to his previous rejection of claim 53. The Examiner asserts that *Kurganov* teaches that "an up to date extended forecast subcategory from web sites can be download to the media server 510-fig. 5 in XML format." Office Action p. 7. The Examiner further states that "the mobile phone unit 504-fig.5 inherently includes memory for storing a copy of weather information downloaded in XML format, wherein the weather information is downloaded from the media server 510 using the Internet 502-fig. 5." *Id.* However, neither of these provisions from *Kurganov* teach or suggest downloading application logic defining the interactive response application to the communication unit. *Kurganov* teaches a voice browser that, in the Example quoted by the Examiner, the user requests weather information that is downloaded from a Web site to the media server and then transmitted from the media server to the mobile phone. This responsive weather information is not the same as application logic. As noted above, *Kurganov* simply does not teach the limitations required in claim 77.

Claim 77 further requires, "running said application code on said communication unit to execute said interactive voice response application." The Examiner again asserts that the *Kurganov* mobile phone inherently includes a processor for running the downloaded weather information, and is capable of interacting with the IVR application 304-fig.3 independently. Office Action, p. 8. As Applicant argued above, this statement, in and of itself, acknowledges that *Kurganov* does not teach or even suggest the claimed limitations. The mobile phone of *Kurganov* interacting independently with the IVR application explicitly teaches away from running the application code to execute the interactive voice response application on the communication unit. In *Kurganov*, the IVR application 304 is run/administered on the media sever 106. *Kurganov*, Figs. 1 & 3. In contrast, the limitations of claim 77 require the IVR application code to be downloaded to the communication unit to be run and executed by the processor on the communication unit. Therefore, *Kurganov* does not teach each and every limitation of the claimed invention.

Claims 78 – 80 each depend either directly or indirectly from base claim 77, and, thus, inherit each of the limitations of claim 77. As such, claims 77 – 80 are each patentable over

the teachings and suggestions of *Kurganov*. For the reasons stated above, Applicant asserts that *Kurganov* fails to teach or even suggest all of the claimed limitations. Applicant, therefore, respectfully requests the Examiner to withdraw the 35 U.S.C. § 102(e) rejection against claims 77 – 80.

F. Claims 81 – 85, 87, 89 – 91

Claim 81 requires, "receiving application logic into said communication device to locally administer said interactive voice response session." The Examiner refers to his rejection of claim 126 to reject claim 81. However, claim 126 does not include this limitation or any similar limitations. In his previous rejections, the Examiner asserts that *Kurganov* teaches that "an up to date extended forecast subcategory from web sites can be download to the media server 510-fig. 5 in XML format." Office Action p. 7. The Examiner further states that "the mobile phone unit 504-fig.5 inherently includes memory for storing a copy of weather information downloaded in XML format, wherein the weather information is downloaded from the media server 510 using the Internet 502-fig. 5." *Id.* However, as argued above, neither of these provisions from *Kurganov* teach or suggest receiving application logic into the communication unit to locally administer the interactive voice response session. *Kurganov* teaches a voice browser that, in the Example previously quoted by the Examiner, the user requests weather information that is downloaded from a Web site to the media server and then transmitted from the media server to the mobile phone. This responsive weather information is not the same as application logic. As noted above, *Kurganov* simply does not teach the limitations required in claim 81.

Claims 82 – 85, 87, 89 – 91 each depend either directly or indirectly from base claim 81, and, thus, inherit each of the limitations of claim 81. As such, claims 81 – 85, 87, 89 – 91 are each patentable over the teachings and suggestions of *Kurganov*. For the reasons stated above, Applicant asserts that *Kurganov* fails to teach or even suggest all of the claimed limitations. Applicant, therefore, respectfully requests the Examiner to withdraw the 35 U.S.C. § 102(e) rejection against claims 81 – 85, 87, 89 – 91.

G. Claims 92 – 109

Claim 92 requires, "a processor connected to said communication device to execute said application logic and locally administer said at least one voice response application." As with his rejection of claim 1, the Examiner states that "the mobile phone unit 112-fig.1 inherently includes a processor for executing the request and receiving the response from the IVR application 304-fig.3." Office Action p. 4. While *Kurganov* does not specifically teach that the mobile phone unit 112 has a processor, Applicant acknowledges that typical mobile phones include a signal processor or digital signal processor. However, as argued above, Applicant asserts that a signal processor does not teach or suggest a processor to execute the IVR application logic to administer the IVR application locally on the mobile phone unit 112. The Examiner's own statements reflect that *Kurganov* does not teach or even suggest this limitation. The Examiner admits that the inherent processor receiv[es] the response from the IVR application. This statement acknowledges that the IVR application is not being administered locally on the mobile phone unit 112. Therefore, *Kurganov* does not teach or even suggest each and every limitation required in claim 92.

Claims 93 – 109 each depend either directly or indirectly from base claim 92, and, thus, inherit each of the limitations of claim 92. As such, claims 92 – 109 are each patentable over the teachings and suggestions of *Kurganov*. Moreover, the dependent claims recite additional novel and non-obvious limitations not present or suggested in *Kurganov*.

For example, claim 93 requires, "said application server communicates said application logic to said communication device responsive to one of said established at least one connection." Again, as with his rejection of claim 1, the Examiner states that the IVR of *Kurganov* "is capable of playing audio messages in response to a request of the unit 112." Office Action, p. 4. While Applicant does not dispute that *Kurganov*'s IVR is capable of playing audio messages, *Kurganov* does not teach, or even suggest, that application logic is communicated to the communication device. Instead, *Kurganov* teaches that the IVR application 304 is administered on the media server 106. No where in *Kurganov* is it taught or suggested that the IVR application 304 is communicated to the unit 112. Thus, *Kurganov*, does not teach or suggest each of the claimed limitations.

Furthermore, claims 97 – 99 require, "said application server divides said at least one voice response application into one or more selectively-sized, executable sub-modules," "said communication device obtains one of said one or more sub-modules for execution," and "said communication device obtains a next one of said one or more sub-modules after completing execution of said one sub-module," respectively. As argued above, there is no definable basis in *Kurganov* for the Examiner's rejection based on the *Kurganov* media server 510-fig. 5 being "capable" of dividing the voice response application in one or more executable sub modules. *Kurganov* simply does not teach or even suggest dividing any application logic into any sized sub-modules, thus, it does not teach or suggest all of the limitations of claims 97 – 99.

Moreover, claim 101 requires, "said processor processes said user input locally according to said at least one voice response application." The Examiner points to the mobile phone 112-fig. 1 and states that it is capable of processing the user input internally, such as prompting a question for a short "yes" or "no" answer according to the voice response application. However, nothing in *Kurganov* supports the Examiner's contention. Furthermore, the Examiner does not cite to any teaching other than the illustration of the mobile phone 112, to support his rejection. Applicant, thus, asserts that *Kurganov* does not teach, or even suggest each of the limitations of claim 101.

Furthermore, claim 103 requires, "said voice recognition logic is disposed on said application server." As with his rejection of claim 15, the Examiner asserts that such speech recognition function is inherently disposed permanently within the mobile phone 112. However, again, as argued above, nothing in *Kurganov* supports the Examiner's statement. In fact, *Kurganov* explicitly states that the speech recognition application is located on the media server 106. Nothing further in *Kurganov* supports speech recognition being disposed permanently on the communication device. Moreover, speech recognition is a function that is not inherent to a mobile phone. In fact, speech recognition is not inherent to IVRs in general. If the Examiner believes that speech recognition is inherent in either mobile phones or IVRs, Applicant officially requests the Examiner to produce evidence supporting his contention that speech recognition logic necessarily exists in mobile phones and/or IVRs.

For the reasons stated above, Applicant asserts that *Kurganov* fails to teach or even suggest all of the limitations of claim 103.

For the reasons stated above, Applicant asserts that *Kurganov* fails to teach or even suggest all of the claimed limitations. Applicant, therefore, respectfully requests the Examiner to withdraw the 35 U.S.C. § 102(e) rejection against claims 92 – 109.

H. Claims 110 – 125

Claim 110 requires, "executing software code on said communication unit to run said interactive voice response application." As in his rejection of claim 31, the Examiner asserts that the *Kurganov* mobile phone inherently includes a processor for running the downloaded weather information, and is capable of interacting with the IVR application 304-fig.3 independently. Office Action, p. 8. This statement in and of itself acknowledges that *Kurganov* does not teach or even suggest the limitations of claim 110. The mobile phone of *Kurganov* interacting independently with the IVR application explicitly teaches away from executing the software code defining the interactive voice response application on the communication unit. In *Kurganov*, the IVR application 304 is run/administered on the media sever 106. *Kurganov*, Figs. 1 & 3. In contrast, the limitations of claim 110 require the IVR application code to be transmitted to the communication unit to be processed and executed by the processor on the communication unit. Therefore, *Kurganov* does not teach each and every limitation of the claimed invention.

Claims 111 – 125 each depend either directly or indirectly from base claim 110, and, thus, inherit each of the limitations of claim 110. As such, claims 110 – 125 are each patentable over the teachings and suggestions of *Kurganov*. Moreover, the dependent claims recite additional novel and non-obvious limitations not present or suggested in *Kurganov*.

Claim 111 requires, "transmitting said software code defining said interactive voice response application to said communication unit." As stated in his rejection of 31, the Examiner asserts that *Kurganov* teaches that "an up to date extended forecast subcategory from web sites can be download to the media server 510-fig. 5 in XML format." Office Action p. 7. The Examiner further states that "the mobile phone unit 504-fig.5 inherently includes memory for storing a copy of weather information downloaded in XML format,

wherein the weather information is downloaded from the media server 510 using the Internet 502-fig. 5." *Id.* However, neither of these provisions from *Kurganov* teach or suggest transmitting software code defining the interactive voice response application. *Kurganov* teaches a voice browser that, in the Example quoted by the Examiner, the user requests weather information that is downloaded from a Web site to the media server and then transmitted from the media server to the mobile phone. This responsive weather information is not the same as software code that defines an interactive voice response application being transmitted to the communication unit. As noted above, *Kurganov* simply does not teach the limitations required in claim 111.

For example, claims 117 and 122 provide, "dividing said software code into selectively-sized segments," and "downloading a next selectively-sized segment after execution of said transmitted segment." As argued above, there is no definable basis in *Kurganov* for the Examiner's rejection based on the *Kurganov* media server 510-fig. 5 being "capable" of dividing the voice response application in one or more executable sub modules. *Kurganov* simply does not teach or even suggest dividing any application logic into any sized sub-modules, thus, it does not teach or suggest all of the limitations of claims 117 and 122.

Furthermore, claim 120 requires, "said voice processing is done by said communication device." The Examiner points to the mobile phone 112-fig. 1 and states that it is capable of processing the user input internally, such as prompting a question for a short "yes" or "no" answer according to the voice response application. However, nothing in *Kurganov* supports the Examiner's contention. Furthermore, the Examiner does not cite to any teaching other than the illustration of the mobile phone 112, to support his rejection. Applicant, thus, asserts that *Kurganov* does not teach, or even suggest each of the limitations of claim 120.

Additionally, claims 124 and 125 provides, "establishing communication between said user and an operator," and "wherein said communication is established using a combination of a voice network and a data network." As noted above, *Kurganov* does not disclose or even suggest that the user at the mobile phone is connected to an operator, as required in claims 124 and 125, either alone or using the network combination. The

selections cited by the Examiner simply do not support his rejections. Therefore, *Kurganov* does not teach each and every limitation of the claimed invention.

For the reasons stated above, Applicant asserts that *Kurganov* fails to teach or even suggest all of the claimed limitations. Applicant, therefore, respectfully requests the Examiner to withdraw the 35 U.S.C. § 102(e) rejection against claims 110 – 125.

I. Claims 126 – 132

Claim 126 requires, "said interactive voice response session is defined by application logic on said communication device." In rejecting claim 126, the Examiner states that the *Kurganov* mobile phone unit 112-fig. 1 inherently includes a processor for establishing a connection with a media server 106-fig. 1, which in turn initiates an IVR application 304-fig.3, wherein the IVR application plays audio messages to the mobile phone user presenting a list of options as requested by the user. Office Action, p. 13. However, *Kurganov* is clear that the IVR application 304 is disposed and administered on the media server 106, with only the audio messages being transmitted over the PSTN to the mobile phone user. Clearly, this is not the same as the limitation defined in claim 126. Thus, *Kurganov* does not teach or even suggest the claimed limitation.

Claims 127 – 132 each depend either directly or indirectly from base claim 126, and, thus, inherit each of the limitations of claim 126. As such, claims 126 – 132 are each patentable over the teachings and suggestions of *Kurganov*. Moreover, the dependent claims recite additional novel and non-obvious limitations not present or suggested in *Kurganov*.

For example, claim 127 requires, "means for receiving said application logic into said communication device to locally administer said interactive voice response session." The Examiner rejects claim 127 stating that the mobile phone 112-fig. 1 includes a processor and an audio transducer for receiving the response from the IVR application 304-fig. 3. Office Action, p. 14. In his rejection of claim 1, the Examiner states that the IVR of *Kurganov* "is capable of playing audio messages in response to a request of the unit 112." Office Action, p. 4. While Applicant does not dispute that *Kurganov*'s IVR is capable of playing audio messages, *Kurganov* does not teach, or even suggest, that the communication device receives application logic to locally administer the interactive voice response session. Instead,

Kurganov teaches that the IVR application 304 is administered on the media server 106. No where in *Kurganov* is it taught or suggested that the IVR application 304 is communicated to the unit 112.

For the reasons stated above, Applicant asserts that *Kurganov* fails to teach or even suggest all of the claimed limitations. Applicant, therefore, respectfully requests the Examiner to withdraw the 35 U.S.C. § 102(e) rejection against claims 126 – 132.

IV. CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 06-2380, under Order No. 47524/P125US/10025004 from which the undersigned is authorized to draw.

Dated: December 2, 2004

Respectfully submitted,

By _____

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